



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/870,311	05/30/2001	David Blight	035451-0131 (3640.Palm)	7636
26371	7590	11/30/2005	EXAMINER	
FOLEY & LARDNER LLP 777 EAST WISCONSIN AVENUE SUITE 3800 MILWAUKEE, WI 53202-5308			PHU, SANH D	
			ART UNIT	PAPER NUMBER
			2682	

DATE MAILED: 11/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/870,311

Applicant(s)

BLIGHT ET AL.

Examiner

Sanh D. Phu

Art Unit

2682

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office Action is responsive to the RCE and Amendment filed on 9/22/05. Claims 1-26 are currently pending in this application.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-4, 6-7 and 9-26 are rejected under 35 U.S.C. 102(b) as being anticipated by Hamaguchi et al (2002/0010617), previously-cited.

Art Unit: 2682

–Regarding to claim 1, see figures 1, 2A–2D, 3A, 3B and 6, and sections [0018]–[0039], Hamaguchi et al discloses a system comprising:

a portable electronic device (11)(see figure 1) including a RF transceiver (see [0024]); and

a database program (inherently included) running on the portable electronic device, the database program configured to store a history of wireless station information (e.g., registered retail store ID, retail store name, etc.) and available resource information (e.g., business category, message information, icon location, icon information, etc.) (see figures 3A, 3B and [0025]–[0026]);

the wireless station information being representative of wireless stations coming in communications with the RF transceiver as the portable electronic device is being moved through an environment (see [0034]–[0038], and

the available resource information being correlated with the wireless station information (see figures 3A and 3B, and [0038]–[0039]) and the available resource information being representative of the resources available through the wireless stations (105,...,121, 123) (wherein the available resource

Art Unit: 2682

information is itself the resources available through the wireless stations) (see figure 6, and [0033]). (Note that term “resource” can be understood here as an accessible supply that can be withdrawn from when necessary).

–Regarding to claim 2, Hamaguchi et al discloses that the portable electronic device is a handheld computer (see [0024]).

–Regarding to claims 3 and 4, Hamaguchi et al discloses that RF transceiver is a transceiver (see [0024]).

–Regarding to claims 6 and 7, Hamaguchi et al discloses that the wireless station information includes the address of the wireless station (see [0026]).

–Regarding to claims 9 and 10, Hamaguchi et al discloses that the resource information includes a resource identifier/description (e.g., business category (see [0026])).

– Regarding to claim 11, Hamaguchi et al discloses that the resource information includes keywords (e.g., retail store name) relating to the resource (see [0026]).

– Regarding to claim 12, Hamaguchi et al discloses that the resource information includes attributes (icon information, icon location) for an object oriented data description (see [0026]).

–Regarding to claim 13, Hamaguchi et al discloses that the resource information includes a listing of associated wireless stations (105...121, 123) (see figure 6).

–Regarding to claim 14, see figures 1, 2A–2D, 3A, 3B and 6, and sections [0018]–[0039], Hamaguchi et al discloses a method comprising:

step (see [0034]) of roaming within an environment with a portable electronic device (11) (see figure 1) having a Rf transceiver;

step of scanning for wireless enabled device(s) within range of the RF transceiver of the portable device by receiving possible signal(s) from said wireless enabled device(s)(see [0034]).

step of storing wireless station information relating to the wireless enabled device(s) in a database (see figure 3B);

step of storing available resource information (e.g., business category, message information, icon location, icon information, etc.) relating to the

resources in the data base, wherein the available resource information is itself the resources, and wherein the resources are stored in storage device (9) and coupled to and available through the wireless station (1) (see figure 1, and [0037]); and

step of accessing, on the portable electronic device, the data base including the wireless station information and the available resource information (see [0038, 0039].

-Regarding to claim 15, Hamaguchi et al discloses step of querying the database for a specified resource (see [0034]–[0045]).

-Regarding to claim 16, Hamaguchi et al discloses step of performing a keyword search (retail store ID) of the database (see [0034]).

-Regarding to claim 17, Hamaguchi et al discloses step of providing location information (icon location, icon information) relating to accessing the specified resource {see figure 3B).

-Regarding to claim 18, Hamaguchi et al discloses that location information includes a set of directions (icon location, icon information) (see figure 3B).

-Regarding to claim 19, Hamaguchi et al discloses that location information includes a map (see figure 6).

-Regarding to claim 20, Regarding to claim 14, see figures 1, 2A-2D, 3A, 3B and 6, and sections [0018]-[0039], Hamaguchi et al discloses a method comprising:

step (see [0034]) of moving through an environment with a portable electronic device (11) (see figure 1) having a RF transceiver;

step (see [0035]) of receiving information (e.g., business category, message information, icon location, icon information, etc.) relating to wirelessly accessible resources, wherein the information is itself the wirelessly accessible resources;

step (see [0035]) of storing the information in a database on the device;
and

step (see [0034]-[0035]) of accessing the database information according to a specific query.

-Regarding to claims 21-26, Hamaguchi et al discloses that the environment is a geographical area (see figure 6).

Claim Rejections – 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 5 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hamaguchi et al.

–Regarding to claim 5, Hamaguchi et al does not disclose whether the wireless station information includes the type of wireless transceiver being used by the wireless station. However, since the wireless station information may include necessary information concerning about the wireless station, to make the wireless station information more informative (see [0026]) It would have been obvious for a person skilled in the art, when building or carrying out Hamaguchi et al, upon his design preference and within his skills, to add information about the type of wireless transceiver being used by the wireless

Art Unit: 2682

station, e.g., the operating frequency of the wireless transceiver, to the wireless station information, without affecting the overall system performance.

-Regarding to claim 8, Hamaguchi et al does not disclose that the wireless station information includes a timestamp representative of a time that the portable device was in range of the wireless station. However, recording times of events for a provide of information is well known in art. For instance, Hamaguchi et al teaches recording/storing in a data base (DB 97) times of events (date of purchase) (see section [0023]). Hamaguchi et al also teaches that entry data can be easily added in a database for making the database more informative (see [0025]). It would have been obvious for a person skilled in the art, when carrying out Hamaguchi et al, to record or add information in the registered retail store dB of the portable device about the a time "timestamp" indicating when the portable device was in range of the wireless station for a certain communication (registration, transaction, etc.), or other necessary information related to the certain communication, to the wireless station information in order to make the wireless station information record stored in the registered retail store dB more informative, as taught by Hamaguchi et al.

Response to Arguments

6. Applicant's arguments filed on 9/22/05, with respect to claims 1, 8, 14, 20 have been fully considered. However, upon further consideration, the claims are deemed not overcome Hamaguchi et al with new reasons in the rejections set forth above in this Office Action.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sanh D. Phu whose telephone number is (571)272-7857. The examiner can normally be reached on 8:00-16:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Quochien Vuong can be reached on (571)272-7902. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2682

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Sanh D. Phu
Examiner
Art Unit 2682

SP

Quochien B. Vuong 11/21/05

QUOCHIEN B. VUONG
PRIMARY EXAMINER